

REMARKS

Reexamination and reconsideration of claims 1-57, and consideration of new claims 58 and 59, are respectfully requested. Applicants acknowledge and appreciate the consideration of all the references on the Information Disclosure Statements.

Claims 1-7, 11, 13, 17, and 21 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over the claims of co-pending applications 10/963,045 and 10/765,434 as listed in the Table on pp. 2-3 of the Office Action dated August 10, 2005. A terminal disclaimer is submitted herewith along with authorization to charge the required fees under 37 CFR sec. 1.20(d). For at least this reason, the withdrawal of the provisional obviousness-type double patenting rejection of claims 1-7, 11, 13, 17, and 21 is warranted and respectfully requested.

Claims 4 and 4' were objected to since there are two claims numbered as "claim 4." The second claim 4 has been deleted without prejudice. Withdrawal of the objection to claim 4 is respectfully requested.

Claims 1-6, 8-10, 13-15, 18-26, 28-31, 33-35, 37-39, 41-45, 47, 48, 50-52, 54, 56, and 57 were rejected under 35 U.S.C. sec. 103(a) applying U.S. Pat. No. 6,234,683 (the '683 patent) in view of U.S. Pat. No. 6,188,822 (the '822 patent). For patents to be applicable under sec. 103(a), the combination of teachings must, *inter alia*, expressly or inherently, teach, disclose, or otherwise suggest each and every feature of the claimed invention. Additionally, motivation and suggestion to combine the patents must be present.

It is respectfully submitted that the purported modification does not disclose, teach, or otherwise suggest each and every feature of independent claims 1, 21, or 40 or their dependent claims. Additionally, the amendment of independent claims 1, 21,

10/765,428

HE0218

Page 14

and 40, (or their dependent claims) is not an admission that the art of record teaches, discloses, or otherwise suggests any the features of the independent claims.

Specifically, the '683 patent requires that the fiber optic connectors 40,50 (i.e. connector assemblies; See Col 5, ll. 36-41 of the '683 patent) are inserted into first and second connector receiving ports 29,30 of a plug insert 20. See Figs. 1,4a, 4b, and 4c of the '683 patent. As illustrated in the '683 patent plug insert 20 is a single component having cantilevered spring latches 24,26. Specifically, the '683 patent states the following at Col. 6, ll. 3-29:

Fig. 4A is a perspective view of the plug insert 20. Plug insert 20 includes first and second connector receiving ports 29,30 for receiving fiber optic assemblies 40,50. The first and second connector receiving ports 29,30 include features that depress the cantilevered spring latches 44,54 of the fiber optic assemblies 40,50 and then upon further insertion, the spring latches 44,54 expand in the first and second connector receiving ports 29,30 so as to securely attach the fiber optic assemblies 40,50 to the plug insert 20. The first and second connector receiving ports 29,30 align the ferrules 42,52 of the fiber optic assemblies 40,50 with respective ferrule apertures 28,37. Associated with first ferrule receiving port or aperture 37 is a plug insert extension 23. The second ferrule aperture or port 28 has associated therewith a front seal seat 39(See FIG. 1). A ridge 31 is formed along a portion of a circumference of the plug insert 20. Diametrically opposed to each other are first and second cantilevered spring latches 24,26. The first cantilevered spring latch 24 includes a first nub feature 25 protruding outward. Located on either side of the first nub feature 25 are tool slide surfaces 35,36. The second cantilevered spring 26 is constructed in a similar manner having the nub feature 27 protruding outwards and having tool slide surfaces 33,34. Each of the first and second cantilevered spring latches 24,26 are mounted so as to be depressed inwards towards each other by at least a distance equal to the amount of each nub features' 25,27 outward protruding distance.

Thus, as shown by the objective evidence of record, the

10/765,428

HE0218

Page 15

purported modification fails to teach, disclose, or otherwise suggest each and every feature of independent claim 1 or its dependent claims. For similar reasons, the purported modification fails to teach, disclose, or otherwise suggest each and every feature of independent claims 21 and 40 and their dependent claims. For at least these reasons, the withdrawal of the sec. 103(a) rejection of claims 1-6, 8-10, 13-15, 18-26, 28-31, 33-35, 37-39, 41-45, 47, 48, 50-52, 54, 56, and 57 is warranted and respectfully requested.

Claims 7, 27, and 46 were rejected under 35 U.S.C. sec. 103(a) applying the '683 patent in view of the '822 patent. The purported modification fails to teach, disclose, or otherwise suggest each and every feature of the claims for the reasons stated above with respect to independent claims 1, 21, and 40.

As an independent basis, the Office Action provides absolutely no objective evidence of record to support the rejection. Merely stating, "...the provision of adjustability, where needed, involves only routine skill in the art", without more, does not make out a *prima facie* case of obviousness. See p. 5 of the Office Action dated August 10, 2005. Furthermore, the coupling nut is used to couple the plug connector with a complementary receptacle; not for adjustability as asserted in the Office Action. For at least these reasons, withdrawal of the sec. 103(a) rejection of claims 7, 27, and 46 is warranted and is respectfully requested.

Claims 11, 12, 17, 32, 40, 49, and 55 were rejected under 35 U.S.C. sec. 103(a) applying the '683 patent in view of the '822 patent. The purported modification fails to teach, disclose, or otherwise suggest each and every feature of the claims for the reasons stated above with respect to independent claims 1, 21, and 40.

As an independent basis for claims reciting a UV stabilized material, the Office Action provides absolutely no objective

10/765,428

HE0218

Page 16

evidence of record to make out a *prima facie* case of obviousness. Moreover, the '683 patent expressly states the preferred materials for the termination device 10. See Col. 12, ll. 32-46 of the '683 patent. For the claims reciting the heat shrink tubing the Office Action fails to address each and every feature of these claims. Moreover, merely stating, "...it has been held to be within the general skill of a worker in the art to select a known material on the basis of suitability for the intended use as a matter of design choice", without more, does not make out a *prima facie* case of obviousness. See p. 6 of the Office Action dated August 10, 2005. Nor does it afford Applicants a fair opportunity to address the rejection. For at least these reasons, withdrawal of the sec. 103(a) rejection of claims 11, 12, 17, 32, 40, 49, and 55 is warranted and is respectfully requested.


Claims 16, 36, and 53 were rejected under 35 U.S.C. sec. 103(a) applying the '683 and '822 patents in view of U.S. Pat. No. 4,902,238 (the '238 patent). The purported modification fails to teach, disclose, or otherwise suggest each and every feature of the claims for the reasons stated above with respect to independent claims 1, 21, and 40. For at least these reasons, the withdrawal of the sec. 103(a) rejection of claims 16, 36, and 53 is warranted and respectfully requested.

Three-hundred and eighty dollars (\$380.00) is believed due in connection with this Reply for the filing of a terminal disclaimer (\$130.00), the addition of one independent claim in excess of three (\$200.00), and the addition of one dependent claims in excess of twenty (\$50.00). If any other fees are due in connection with this Reply, please charge any fees, or credit any overpayment, to Deposit Account Number 19-2167.

Allowance of all pending claims is believed to be warranted and is respectfully requested.

The Examiner is welcomed to telephone the undersigned to discuss the merits of this patent application.

Respectfully submitted,


Michael E. Carroll, Jr.
Attorney
Reg. No. 46,602
P.O. Box 489
Hickory, N. C. 28603
Telephone: 828/901-6725

Date: November 5, 2005